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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on September 25, 2002.

Donna L. Hengst

*Donna L. Hengst*

**PATENT**

**Attorney Docket No. 24717-707**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application )

PATENT APPLICATION

Inventor(s): Michael A. Lloyd et al. )

Art Unit: 2152

Application No.: 09/903,423 )

Examiner: Unassigned

Filed: 07/10/2001 )

Title Systems And Methods For Robust, Real-Time  
Measurement of Network Performance )

**RECEIVED**

OCT 02 2002

Technology Center 2100

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.


- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 24717-707).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: September 25, 2002

By:

  
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<b>INFORMATION DISCLOSURE CITATION</b>  <b>PTO-1449</b>			ATTY. DOCKET NO. 24717-707		SERIAL NO. 09/903,423		
			APPLICANT: Michael A. Lloyd et al.				
			FILING DATE 07/10/2001		GROUP 2152		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,563,875	10/08/96	Hefel et al.	370	15		
	5,668,800	09/16/97	Stevenson	370	248		
	5,793,976	08/11/98	Chen et al.	395	200.54		
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 0 942 560	09/15/99	Europe			<input type="checkbox"/>	<input type="checkbox"/>
	EP 0 788 267	08/06/97	Europe			<input type="checkbox"/>	<input type="checkbox"/>
	EP 0528 075	02/24/93	Europe			<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.